

# News Release



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## **Labor Department Recovers Delinquent 401(k) Contributions From Houston Dental Practice and Owner**

**HOUSTON**—The U. S. Department of Labor obtained a consent judgment and order requiring the Houston area dental practice of Fadi A. Tatari, DDS, and its owner, to repay \$9,296.81 in delinquent employee contributions owed to the Anderson Dental Group 401(k) plan.

“Trustees of a 401(k) plan have a responsibility to ensure that the assets of the plan are used solely to benefit participants. One of the most important responsibilities is putting money from workers’ wages into their 401(k) accounts on time,” said Steven Eischen, director of the Employee Benefits Security Administration’s (EBSA) Dallas regional office.

Besides the restitution, the judgment requires the dental practice and Fadi A. Tatari to obtain a fidelity bond in an appropriate amount for all persons who handle plan money.

The department sued Tatari and the dental practice on Dec. 9, 2003 in federal district court in Houston for violating the Employee Retirement Income Security Act (ERISA). They allegedly failed to forward to the plan employee contributions and assets, transferred plan assets to Anderson Dental Group, and did not obtain a fidelity bond required by law.

At the time of the improper actions, Tatari was the plan’s trustee and the dental practice served as the plan administrator. The dental firm also operates under the name Anderson Dental Group.

Employers with similar problems, who are not yet the subject of an investigation by EBSA, may be eligible to participate in the department's Voluntary Fiduciary Correction Program (VFCP). Participation in the VFCP requires employers to make workers whole but allows them to avoid EBSA enforcement actions and civil penalties as well as any applicable excise taxes. For more information about the VFCP see [www.dol.gov/ebsa](http://www.dol.gov/ebsa).

In fiscal year 2003, EBSA achieved record monetary results of \$1.4 billion related to the pension, 401(k), health and other benefits of millions of American workers and their families. This case was investigated by department’s regional EBSA office in Dallas. Employers and workers can contact the regional office at (214) 767-6831 or EBSA’s toll free number, **1-866-444-EBSA (3272)**, for help with problems relating to private-sector pension and health plans.

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(Chao v Tatari)  
Civil Action No. H-03-5622

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